

REMARKS

Claims 1-19 and 21 have been amended. Claims 22 and 23 have been added.

Claims 1-23 therefore are pending and are presented for review. Favorable reconsideration and allowance are requested in light of the foregoing amendments and the remarks which follow.

1. Rejections Based on Prior Art

All claims stand rejected under 35 U.S.C. §102(b) as being anticipated by Titford or, in the case of claims 6, 12-16 and 20, under 35 U.S.C. §103(a) as being unpatentable over Titford considered alone or in view of Feliz. These rejections are respectfully traversed.

First and foremost, it should be noted that all of the claims unequivocally recite a *gantry crane*. That term is found throughout the claims and not just in the preambles and, as such, must be considered a limitation and not merely a statement of intended use. Gantry cranes are understood by those skilled in the art to be mobile devices having booms that are coextensively raisable and lowerable to lift a load, transport that load to a new location, and then deposit the load at the new location. The most common definition is “A crane similar to an overhead crane, except that the bridge for carrying the trolley or trolleys is rigidly supported on two or more legs running on fixed rails or other runway” (ASME B30-17). In contrast, both of the cited Titford and Feliz references disclose

ground working machines. More specifically, the primary reference to Titford discloses a drum-type ditch digging machine having support legs that can telescope vertically independently of one another to position the drum so as to match the inclination of the ditch as seen, e.g., in FIGS. 5 and 6. For the Examiner to contend that a ground working machine can be considered a gantry crane would be to impart a definition to the term “gantry crane” that is repugnant to its ordinary meaning. A rejection based on prior art cannot be predicated upon such a claim interpretation. See., e.g., MPEP 2111.01.

To further highlight the difference between a gantry crane and a ground working machine, applicant has amended each of the apparatus claims to specifically recite rigging that extends downwardly from the beams and that can be detachably coupled to the load after the gantry crane is transported to a position in which at least one of the beams is located over the load. This rigging is disclosed, for example, on page 14, lines 1-5 of the present application. Titford lacks any such rigging because Titford does not disclose a gantry crane and, therefore, is not designed to lift a load using rigging. The element 200 alleged by the Examiner to constitute the load, instead, comprises a combination of the operator’s platform 21 and the drum 30, both of which are *permanently* attached to the remainder of the machine by cylinders 34 and 51. The Examiner is cautioned against contending that these cylinders constitutes “rigging” because cylinders do not form “rigging” within any accepted sense of that term. See MPEP 2111.01. Nor is there any indication within Titford that the cylinders 34 and 51

can be used to *detachably couple* the element 200 to the remainder of the machine after the machine is transported to position at which at least one of the beams is located over that structure as claimed. Common sense dictates the opposite conclusion. Claims 1-5, 7-11, and 21 therefore are *not* anticipated by Titford. Claims 6 and 12-16 clearly are non-obvious over Titford considered alone or in combination with Feliz because Feliz also relates to a ground working machine and suffers all of the deficiencies of Titford. Withdrawal of the rejections of the apparatus claims therefore is believed to be in order and is respectfully requested.

The method claims 17-20 are similarly believed to be allowable because those claims require the movement of a gantry crane (as opposed to a ground compacting machine) be to a position that straddles a load, and then coupling the machine to the load, and then lifting the load. As indicated above, Titford fails to disclose a gantry crane and also does not disclose or suggest the use of its machine to straddle a load and thereafter couple the machine to the load and lift the load. Withdrawal of the rejections under 35 U.S.C. §§102 and 103 is believed to be in order and is respectfully requested.

2. New Claim and Conclusions

New claims 22 and 23 depend from method claims 17 and 18, respectively, and further recite the steps of lowering the load to the ground and then releasing the rigging to decouple the load from the machine. These steps are clearly neither disclosed nor

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suggested by the cited prior art references, both of which relate to ground working machines and not to a gantry crane. As such, there is no suggestion to release any "load" from those machines

Enclosed is a check for \$560 for the government filing fee by a *small* entity for 1) a 3-month extension of time, which applicant hereby requests, and 2) two additional claims in excess of twenty. No additional fee is believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



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